FILED
2011 Apr-14 PM 12:22
U.S. DISTRICT COURT
N.D. OF ALABAMA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED
2011 APR 13 P 3:46

JAMES CARTER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**CIVIL ACTION NO.:**
	)	**CV-____________**
	)	
MEDICREDIT, INC.,	)	CV-11-AR-1272-S
	)	
Defendant.	)	

NOTICE OF REMOVAL

COMES NOW Defendant Medicredit, Inc. ("Medicredit"), by and through counsel, pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, and files this Notice of Removal, removing this civil action from the Circuit Court of Shelby County, Alabama to the United States District Court for the Northern District of Alabama. In support of the Notice of Removal, Medicredit states as follows:

I. THIS NOTICE OF REMOVAL IS TIMELY AND PROPERLY FILED

A. This lawsuit is a civil action within the meaning of the Acts of Congress relating to removal of causes.

B. Medicredit removes this action to the United States District Court on the grounds that this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331. This Court has "federal question" jurisdiction over this dispute because Plaintiff's Complaint asserts claims which arise under the laws of the United States.

C. The removal of this action to this Court is timely under 28 U.S.C. § 1446(b). The summons and complaint were served upon defendant Medicredit on March 14, 2011, via registered agent.

D. In compliance with 28 U.S.C. § 1446(a), a copy of all "process, pleadings, and orders" received by Medicredit are attached hereto as **Exhibit A**.

E. Because this Notice of Removal is filed within thirty (30) days of the first receipt by any defendant of the summons and complaint in this action, by service or otherwise, it is timely under 28 U.S.C. § 1446(b). This action could have been brought in this Court pursuant to 28 U.S.C. § 1331. This action arises under and presents substantial questions of federal law, including without limitation 15 U.S.C. §§ 1692-1692p, the Fair Debt Collections Practice Act ("FDCPA").

F. The United States District Court for the Northern District of Alabama, Southern Division, is the federal district court for the district embracing the place where the state court proceeding is pending.

G. The only defendant named in the lawsuit was Medicredit. Thus, all served defendants who are required to join in or consent to this removal have joined in and consented to this removal.

H. In accordance with 28 U.S.C. § 1446(d), Medicredit will promptly file a copy of this Notice of Removal with the Clerk of the Circuit Court of Shelby County, Alabama. Defendant's Notice of Filing Notice of Removal is attached hereto as **Exhibit B**.

II. THIS COURT HAS FEDERAL QUESTION JURISDICTION

A. This action arises under and presents substantial questions of federal law under 15 U.S.C. §§ 1692-1692p, the Fair Debt Collection Practice Act ("FDCPA"). That Plaintiff's claims in this action arise under federal law is apparent from the face of the Complaint.

B. Plaintiff's "First Claim for Relief" is titled "Fair Debt Collection Practices Act." Plaintiff asserts in paragraphs 28-32 that Medicredit violated 11 U.S.C. §§ 1692c(a)(2), 1692e(2)(A), and 1692e(10) and seeks a declaratory judgment that Medicredit violated the FDCPA, actual damages, statutory damages, court costs and reasonable attorney's fees.

C. This Court also has jurisdiction over the claims in the remaining Count under 28 U.S.C. § 1367, because these claims arise out of the same operative facts as Plaintiff's federal claim and "form part of the same case or controversy under Article III of the United States Constitution." Removal of this entire cause is therefore proper under 28 U.S.C. § 1441(c).

D. Because this cause of action arises under the laws of the United States, this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331, and removal of this entire cause is therefore proper under 28 U.S.C § 1441(c).

E. In the event that Plaintiff files a request for remand, or the Court considers remand *sua sponte*, Medicredit respectfully requests the opportunity to submit additional argument or evidence as may be appropriate in support of removal.

III. CONCLUSION

For the foregoing reasons, Medicredit respectfully requests that this action be, and is hereby, removed to this Court, that this Court assume jurisdiction of this action, and that this Court enter such other and further orders as may be necessary to accomplish the requested removal and promote the ends of justice.

Dated: April 13, 2011

Respectfully Submitted,

Kary Bryant Wolfe
Attorney for Medicredit, Inc.

OF COUNSEL:

**Jones, Walker, Waechter, Poitevent,
Carrère & Denègre LLP**
1819 5th Avenue North, Suite 1100 (35203)
P.O. Box 830642
Birmingham, AL 35283-0642
(205) 244-5200 Telephone
(205) 244-5400 Facsimile
kwolfe@joneswalker.com

CERTIFICATE OF SERVICE

I certify that on the 13th day of April, 2011, I caused the copies of the foregoing to be sent via U.S. mail, postage-prepaid, to the following counsel for Plaintiff:

Gina H. McDonald
Brad Green
Gina H. McDonald & Associates, LLC
Birmingham, AL 35244

Of Counsel

State of Alabama
Unified Judicial System

Form ARCiv-93 Rev.5/99

COVER SHEET
CIRCUIT COURT - CIVIL CASE
(Not For Domestic Relations Cases)

Case Number:
58-CV-201

Date of Filing:
02/16/2011

ELECTRONICALLY FILED
2/16/2011 4:34 PM
CV-2011-900134.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

GENERAL INFORMATION

IN THE CIRCUIT OF SHELBY COUNTY, ALABAMA
JAMES E CARTER v. MEDICREDIT

First Plaintiff: ☐ Business ☑ Individual ☐ Government ☐ Other

First Defendant: ☑ Business ☐ Individual ☐ Government ☐ Other

NATURE OF SUIT:

TORTS: PERSONAL INJURY

- ☐ WDEA - Wrongful Death
- ☐ TONG - Negligence: General
- ☐ TOMV - Negligence: Motor Vehicle
- ☐ TOWA - Wantonnes
- ☐ TOPL - Product Liability/AEMLD
- ☐ TOMM - Malpractice-Medical
- ☐ TOLM - Malpractice-Legal
- ☐ TOOM - Malpractice-Other
- ☐ TBFM - Fraud/Bad Faith/Misrepresentation
- ☐ TOXX - Other: ____________

TORTS: PERSONAL INJURY

- ☐ TOPE - Personal Property
- ☐ TORE - Real Property

OTHER CIVIL FILINGS

- ☐ ABAN - Abandoned Automobile
- ☐ ACCT - Account & Nonmortgage
- ☐ APAA - Administrative Agency Appeal
- ☐ ADPA - Administrative Procedure Act
- ☐ ANPS - Adults in Need of Protective Services

OTHER CIVIL FILINGS (cont'd)

- ☐ MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve
- ☐ CVRT - Civil Rights
- ☐ COND - Condemnation/Eminent Domain/Right-of-Way
- ☐ CTMP-Contempt of Court
- ☐ CONT-Contract/Ejectment/Writ of Seizure
- ☐ TOCN - Conversion
- ☐ EQND- Equity Non-Damages Actions/Declaratory Judgment/Injunction Election Contest/Quiet Title/Sale For Division
- ☐ CVUD-Eviction Appeal/Unlawfyul Detainer
- ☐ FORJ-Foreign Judgment
- ☐ FORF-Fruits of Crime Forfeiture
- ☐ MSHC-Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition
- ☐ PFAB-Protection From Abuse
- ☐ FELA-Railroad/Seaman (FELA)
- ☐ RPRO-Real Property
- ☐ WTEG-Will/Trust/Estate/Guardianship/Conservatorship
- ☐ COMP-Workers' Compensation
- ☑ CVXX-Miscellaneous Circuit Civil Case

ORIGIN: F ☑ **INITIAL FILING** A ☐ **APPEAL FROM DISTRICT COURT** O ☐ **OTHER** ____________

R ☐ **REMANDED** T ☐ **TRANSFERRED FROM OTHER CIRCUIT COURT**

HAS JURY TRIAL BEEN DEMANDED? ☐ Yes ☑ No

RELIEF REQUESTED: ☑ **MONETARY AWARD REQUESTED** ☐ **NO MONETARY AWARD REQUESTED**

ATTORNEY CODE: CRU021 2/16/2011 4:32:04 PM /s JUDSON ERIC CRUMP

MEDIATION REQUESTED: ☐ Yes ☑ No ☐ Undecided

EXHIBIT
tabbies®
A

ELECTRONICALLY FILED
2/16/2011 4:34 PM
CV-2011-900134.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

James Carter,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.__________
	)	
Medicredit, Inc.,	)	
	)	
Defendant.	)	

COMPLAINT

COMES NOW James Carter, the Plaintiff in the above-styled cause, by and through counsel, to bring this Complaint against the Defendant, averring therefore as follows:

INTRODUCTION

1. This action arises out of deceptive debt collection practices of the Defendant that constituted numerous violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 *et seq*, (hereinafter referred to as "FDCPA"), as well as tortious conduct under the laws of the State of Alabama.

JURIDICTION

2. Jurisdiction of this Court is proper under Ala. Code §12-11-30 and 15 U.S.C. §1692k(d).

PARTIES

3. The Plaintiff is a natural person residing in Shelby County, Alabama.

4. The Defendant is a foreign corporation engaged in the business of collecting debts in this state, with its principal place of business located at 3620 I-70 Dr SE, Ste C, Columbia, MO 65201.

5. The principal purpose of Defendant is the collection of debts using the mails and telephone, and Defendant regularly attempts to collect debts alleged to be due another.

6. Defendant is a "debt collector" according to 15 U.S.C. §1692a(6).

FACTUAL ALLEGATIONS

7. At all times relevant to this proceeding, Defendant was attempting to collect a consumer debt allegedly owed by the Plaintiff to Shelby Baptist Medical Center (hereinafter, "SBMC"), for medical bills.

8. On or about October 8, 2010, Plaintiffs filed for bankruptcy protection under Chapter 7 of Title 11 of the U.S. Code, in case number 10-06033-TBB7.

9. Plaintiffs listed all debts to SBMC on Schedule F of their bankruptcy petition, a copy of which is attached and labeled Exhibit A.

10. Plaintiffs served SBMC with notice of their bankruptcy filing, which also contained the contact information of Plaintiff's attorneys.

11. At some point prior to January 1, 2011, SBMC supposedly sold, assigned, or otherwise transferred Plaintiff's account to Defendant for collection.

12. Defendant received notice of Plaintiff's bankruptcy filing.

13. Defendant received notice that Plaintiff was represented by an attorney with respect to the debt to SBMC.

14. On several occasions during December of 2010, Defendant contacted the Plaintiff via telephone in an attempt to collect the debt.

15. In said telephone calls, Plaintiff informed the Defendant of Plaintiff's bankruptcy filing, and reminded Defendant that any further such communications would be in violation of the automatic stay or the discharge injunction.

16. On January 13, 2011, Plaintiff's debts –including all debts owed to SBMC and/or Defendant—were discharged by an Order of the U.S. Bankruptcy Court for the Northern District of Alabama, a copy of which is attached and labeled Exhibit B.

17. On January 17, 2011, despite having full knowledge of Plaintiff's bankruptcy filing, Defendant again contacted the Plaintiff seeking to collect the alleged debt.

18. On January 26, 2011, Plaintiff's attorney sent Defendant a letter on firm letterhead which informed the Defendant of his representation of Plaintiff and explaining Plaintiff's objections to Defendant's collection efforts.

19. Defendant received the letter from Plaintiff's attorney.

20. On or about February 10, 2011, Defendant nonetheless telephoned the Plaintiff at his residence in another attempt to collect the discharged debt.

21. The Fair Debt Collection Practices Act, 15 U.S.C. §1692, et seq., (hereinafter "FDCPA") prohibits the use of false representations in connection with the collection of a debt.

22. "A demand for immediate payment while a debtor is in bankruptcy (or after the debt's discharge) is "false" in the sense that it asserts that money is due, although, because of the automatic stay (11 U.S.C. § 362) or the discharge injunction (11 U.S.C. § 524), it is not." *Randolph v. IMBS, Inc., 368 F.3d 726, 728 (7th Cir. Ill. 2004).*

23. Defendant's attempts to collect the discharged debt from the Plaintiff were patently false and therefore in violation of the FDCPA.

24. It is a regular practice of the Defendant to proceed with collection of discharged debts because most consumers do not understand their rights and fail to contact an attorney to enforce the protections of the FDCPA and other state and federal laws against deceptive collection activities.

25. Defendant has made a business decision to routinely risk violation of the FDCPA and the Bankruptcy Code, because it is more profitable to do so, even if it must occasionally pay the penalties for violating the law.

26. Defendants' practices not only violate the rights of consumers such as the Plaintiff, but also the public policy announced by Congress in 15 U.S.C. §1692(e), "to insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged..." vis-à-vis debt collectors who violate the law, such as the Defendant.

27. Defendant negligently and/or wantonly hired, retained, or supervised incompetent debt collectors and is thereby responsible to the Plaintiff for the wrongs committed against Plaintiff and the damages suffered by Plaintiff.

FIRST CLAIM FOR RELIEF: FAIR DEBT COLLECTION PRACTICES ACT

28. Plaintiff repeats and re-alleges and incorporates by reference paragraphs one through twenty-four above.

29. Defendant violated 11 U.S.C. §1692c(a)(2) by contacting the Plaintiff after it knew them to be represented by an attorney "with respect to such debt."

30. Defendant violated 11 U.S.C. §1692e(2)(A) on several occasions by falsely representing the legal status of the debt as one which was due and owing, when in fact it had been included in Plaintiff's bankruptcy and discharged.

31. Defendant violated 11 U.S.C. §1692e(10) by falsely representing that the Plaintiff owed the Defendant money, when in fact they owed the Defendant nothing.

32. As a result of the above violations of the FDCPA, the Defendant is liable to the Plaintiff for declaratory judgment that Defendant's conduct violated the Act,

Plaintiff's actual damages, statutory damages, court costs, and reasonable attorney's fees pursuant to 15 U.S.C. §1692k.

SECOND CLAIM FOR RELIEF: FRAUD AND DECEIT

33. Plaintiff repeats and re-alleges and incorporates by reference paragraphs one through twenty-nine above.

34. The actions of Defendant averred above constituted intentional misrepresentations of material facts regarding the Plaintiff's obligation to pay Defendant.

35. The Plaintiff reasonably relied upon the Defendant's various misrepresentations to his own detriment.

36. Specifically, the Plaintiff reasonably relied upon the Defendant's misrepresentations that Plaintiff's debts to SBMC were still somehow due and owing, that legal action against the Plaintiff was forthcoming, and that no legal recourse existed for the Plaintiff other than payment to the Defendant.

37. In response to this deceit, the Plaintiff undertook significant personal expense to attempt to defend himself and his family, including but not limited to time taken from work to deal with this matter, investigation of the amount of Defendant's claimed debt, costs of protecting their credit rating, and the costs of consulting with an attorney.

38. Section 6-5-104(a) of the Alabama Code provides that "One who willfully deceives another with intent to induce him to alter his position to his injury or risk is liable for any damage which he thereby suffers."

39. As a result of this fraud worked by the Defendant upon the Plaintiff, the Defendant is liable to the Plaintiff for compensatory damages.

WHEREFORE, PREMISES CONSIDERED, Your Plaintiff prays this Honorable Court issue an Order against the Defendant for the following:

A. Declaratory judgment that the Defendant's conduct violated the Fair Debt Collection Practices Act, and declaratory and injunctive relief against the Defendant's future violations of the FDCPA;

B. Actual damages arising from the Defendant's violations of the FDCPA;

C. Statutory damages of One Thousand Dollars ($1000) for Defendant's violations of the FDCPA;

D. Costs and reasonable attorney's fees incurred in bringing this action;

E. Actual damages for fraud worked upon the Plaintiff by Defendant;

F. Such other, further, and general relief as this Court deems just and proper.

RESPECTFULLY SUBMITTED,

Judson E. Crump
Attorney for Plaintiff

Gina H. McDonald
Attorney for Plaintiff

OF COUNSEL:
Gina H. McDonald & Associates, LLC
2057 Valleydale Rd, Ste 202
Birmingham, AL 35244
205.982.3325 (tel)
205.982.7070 (fax)
Judson@ginamcdonaldlaw.com

Serve via Certified Mail at Defendant's Address:

MediCredit, Inc.
c/o CSC Lawyers Incorporating Service, Inc.
150 S. Perry St
Montgomery, AL 36104

Exhibit "A"

B6F (Official Form 6F) (12/07) - Cont.

In re **James E Carter, Linda K Carter**, Debtors

Case No. **10-06033**

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS
(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTOR	Husband, Wife, Joint, or Community (H W J C)	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
Account No. **x0045** **Rheumatology Care Center Brookwood** **2022 Brookwood Medical Center** **Suite 207** **Birmingham, AL 35209**		J	**2010** **Medical Services**				**286.00**
Account No. **x5082** **Shelby Ambulatory Surgery** **1010 First Street North Box 400** **Alabaster, AL 35007**		J	**2010** **Medical Services**				**1,025.00**
Account No. **Shelby Ambulatory Surgery** **PO Box 2153** **Dept. 5222** **Birmingham, AL 35287**			**Representing:** **Shelby Ambulatory Surgery**				**Notice Only**
Account No. **xxxxxx5976** **Shelby Baptist Medical Center** **P.O. Box 11407** **Birmingham, AL 35246**		J	**2010** **Medical Services**				**649.00**
Account No. **xxxxxx4597** **Southern Medical Group** **PO Box 409746** **Atlanta, GA 30384**		J	**2010** **Medical Services**				**122.00**

Sheet no. **9** of **10** sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal (Total of this page) **2,082.00**

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Best Case Bankruptcy

Exhibit "B"

B18 (Official Form 18) (12/07)

United States Bankruptcy Court
NORTHERN DISTRICT OF ALABAMA
Southern Division
1800 5th Avenue North
Room 120
Birmingham, AL 35203

Case No. 10-06033-TBB7
Chapter 7

In re Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

James E Carter 142 Highway 36 Chelsea, AL 35043	Linda K Carter 142 Highway 36 Chelsea, AL 35043

Social Security / Individual Taxpayer ID No.:

xxx-xx-1659	xxx-xx-6810

Employer Tax ID / Other nos.:

DISCHARGE OF DEBTOR

It appearing that the debtor is entitled to a discharge,

IT IS ORDERED:

The debtor is granted a discharge under section 727 of title 11, United States Code, (the Bankruptcy Code).

BY THE COURT

Dated: 1/13/11

Thomas B Bennett
United States Bankruptcy Judge

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.

ATTENTION DEBTOR: IMPORTANT DOCUMENT! PLEASE KEEP FOR YOUR RECORDS!

EXPLANATION OF BANKRUPTCY DISCHARGE IN A CHAPTER 7 CASE

This court order grants a discharge to the person named as the debtor. It is not a dismissal of the case and it does not determine how much money, if any, the trustee will pay to creditors.

Collection of Discharged Debts Prohibited

The discharge prohibits any attempt to collect from the debtor a debt that has been discharged. For example, a creditor is not permitted to contact a debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor. *[In a case involving community property:* There are also special rules that protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.] A creditor who violates this order can be required to pay damages and attorney's fees to the debtor.

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

Debts That are Discharged

The chapter 7 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt existed on the date the bankruptcy case was filed. (If this case was begun under a different chapter of the Bankruptcy Code and converted to chapter 7, the discharge applies to debts owed when the bankruptcy case was converted.)

Debts That are Not Discharged

Some of the common types of debts which are not discharged in a chapter 7 bankruptcy case are:

a. Debts for most taxes;

b. Debts incurred to pay nondischargeable taxes;

c. Debts that are domestic support obligations;

d. Debts for most student loans;

e. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;

f. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle, vessel, or aircraft while intoxicated;

g. Some debts which were not properly listed by the debtor;

h. Debts that the bankruptcy court specifically has decided or will decide in this bankruptcy case are not discharged;

i. Debts for which the debtor has given up the discharge protections by signing a reaffirmation agreement in compliance with the Bankruptcy Code requirements for reaffirmation of debts; and

j. Debts owed to certain pension, profit sharing, stock bonus, other retirement plans, or to the Thrift Savings Plan for federal employees for certain types of loans from these plans.

This information is only a general summary of the bankruptcy discharge. There are exceptions to these general rules. Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in this case.

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

James Carter,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.__________
	)	
Medicredit, Inc.,	)	
	)	
Defendant.	)	

REQUEST FOR ADMISSIONS

COMES NOW the Plaintiff and requests the Defendant answer the following requests for admissions within forty-five (45) days after service in the form and manner prescribed by Rules 26 and 36 of the Alabama Rules of Civil Procedure.

INSTRUCTIONS

Individually admit or deny each request. If the matter is denied, Defendant's answer shall specifically set forth in detail the reasons why Defendant cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that Defendant's answer be qualified or denied only in part, then Defendant shall specify so much of the matter as is true and qualify or deny the remainder. Defendant may not give lack of knowledge or information as a reason for failure to admit or deny unless Defendant states that Defendant has made reasonable inquiry and the information available to Defendant after such inquiry is still insufficient to enable Defendant to admit or deny.

REQUESTS FOR ADMISSIONS

Pursuant to Rules 26 and 36 of the Alabama Rules of Civil Procedure, admit or deny the truth of the following:

1. Plaintiff is a "consumer" as defined in 15 U.S.C. §1692a(3).

2. The obligation allegedly owed Defendant or Shelby Baptist Medical Center (hereinafter, "SBMC") is a "debt" as defined in 15 U.S.C. §1692a(5).

3. Defendant is a "debt collector" as defined in 15 U.S.C. §1692a(6).

4. Any of Plaintiff's debts to Defendant or SBMC were discharged by order of the United States Bankruptcy Court on January 13, 2011.
5. Defendant knew of Plaintiff's bankruptcy filing.
6. Defendant received Plaintiff's account with SBMC for collection.
7. When Defendant received this account for collection, Defendant received sufficient information to determine whether Plaintiff had filed bankruptcy.
8. Defendant knew of Plaintiff's representation by an attorney.
9. Defendant received notice of Plaintiff's representation by an attorney before January 2011.
10. Defendant contacted Plaintiff several times during the pendency of the automatic stay in an attempt to collect the alleged debt.
11. At some point prior to January 17, 2011, Plaintiff informed Defendant by telephone of Plaintiff's bankruptcy filing and Plaintiff's representation by an attorney.
12. Defendant knew of Plaintiff's discharge in bankruptcy.
13. On or about January 17, 2011, Defendant contacted Plaintiff by telephone.
14. In said telephone call, Defendant attempted to collect the alleged debt to SBMC.
15. Plaintiff's attorney sent Defendant a letter on or around January 26, 2011.
16. Defendant received a letter from Plaintiff's attorney between January 26, 2011 and February 10, 2011.
17. On or about February 10, 2011, Defendant made a telephone call to the Plaintiff.
18. Said telephone call was an attempt to collect the alleged debt.
19. Defendant knew that Plaintiff owed it no money.
20. Defendant regularly attempts to collect debts that are not legitimately owed.
21. Attempts to collect debts that have been discharged in bankruptcy are illegal.
22. Defendant knew that its conduct violated the FDCPA.
23. Defendant routinely violates the Fair Debt Collection Practices Act.
24. Defendant does not train or instruct its employees in a manner sufficient to enable them to carry on collection activities within the bounds of the law.

25. Defendant's attempts to collect this debt were illegal.

26. Defendant misrepresented to the Plaintiff that it owed a debt to Defendant.

27. Defendant intended its misrepresentations to cause the Plaintiff to fear for the safety and well-being of himself and his family.

28. Defendant intended its misrepresentations to be relied upon by Plaintiff to take action to his personal and financial detriment.

29. Defendant's collection activities proximately caused severe frustration, anxiety, and stress to the Plaintiff.

30. Defendant's collection activities caused the Plaintiff to suffer the following economic damages: requiring him to take time to deal with this matter; the cost of protecting his credit; and the costs of consulting with an attorney.

31. Defendant knows that illegal debt collection activities cause severe hardship and personal distress to consumers, and greatly exacerbate the personal impact of financial problems that are prevalent in the current economic climate.

Judson E. Crump
Attorney for Plaintiff

OF COUNSEL:
Gina H. McDonald & Associates, LLC
2057 Valleydale Rd, Ste 202
Birmingham, AL 35203
205.982.3325 (tel)
205.982.7070 (fax)

PLEASE SERVE WITH SUMMONS AND COMPLAINT

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

James Carter,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.__________
	)	
Medicredit, Inc.,	)	
	)	
Defendant.	)	

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT

COMES NOW the Plaintiff and requests the Defendant to answer the following interrogatories within forty-five (45) days after service in the form and manner prescribed by Rules 26 and 33 of the Alabama Rules of Civil Procedure.

INSTRUCTIONS

In answering these interrogatories, please furnish all information that is available to you, whether or not such information is in your present possession. If, after exercising due diligence to secure the information to do so, you are still unable to fully respond to any of these interrogatories, please state as much and respond to the extent possible and explain what efforts you undertook to procure the information requested.

For every response in which you provide information obtained from others, please provide the name, address, and any telephonic or electronic mail contact information for the person or entity from whom you received the information.

Be aware that your answers to these interrogatories are given under oath, that you are under a continuing duty to update these answers, and the answers and information given herein may be used in a trial.

INTERROGATORIES

1. State the name, address, telephone number, email address, and position of the person responding hereto.

2. Identify all persons known to you who have knowledge of facts relevant to this case, including but not limited to all persons interviewed by you, by your counsel, or by any person cooperating with you in the defense of this action, and state the subject matter of testimony for each person you may call as a witness in this case. If you intend to qualify any of these persons as expert witnesses, please indicate their areas of expertise, professional credentials, and the substance of the facts or opinions to which each is expected to testify.

3. For any of the persons identified in your answer to Interrogatories 1 and 2 above, please state whether each person has ever plead guilty to or been convicted of a felony or a misdemeanor involving moral turpitude, and provide the nature, date, and court of any such convictions or guilty pleas.

4. State the full name of your business, your business purpose, and the form of your business organization. If you are a subsidiary of a larger business organization, please so state and give the name and corporate form of your parent organization.

5. State whether there is any insurance agreement under which any insurer may be liable to satisfy all or part of the judgment which may be entered in this action or to indemnify or reimburse any payments made to satisfy any judgment which may be entered in this action, and identify all documents reflecting the existence of such insurance agreement.

6. For each affirmative defense you assert or intend to assert to the Complaint, explain in detail and particularity its factual and legal basis and identify all evidence on which you may rely in asserting it, and identify all documents related to or relevant to it and all persons with knowledge of its factual basis.

7. State the name, position, address, telephone number, and email address of each person who has had any manner of involvement in any efforts on your behalf to collect or attempt to collect any debt purportedly owed by the Plaintiff.

8. For each person identified in Interrogatory 7, describe the nature and purpose of his or her involvement in any collection activities against the Plaintiff, and for each such activity, describe the action taken, the nature, contents, and subject matter of each communication—written, oral, or electronic—with the Plaintiff, the place, date, and time of day of each such action or communication, and identify all documents relating to such collection activities or communications.

9. List and explain all abbreviations, code words, letters, numerals, characters, or symbols regularly used by you in your records of collection activities.

10. Itemize each portion of any debt allegedly owed by the Plaintiff to SBMC, describing explicitly the agreement whereby Plaintiff allegedly incurred such debt, and the nature of any principal, interest, penalties, or fees constituting such debt.

11. Describe all procedures used by you from January 1, 1995 through the present to avoid violation of the Fair Debt Collection Practices Act, and identify all documents related in any way to such procedures and their maintenance, including their dates of implementation, the time periods of their use, and identify all internal and external documents regarding your compliance or noncompliance with the Fair Debt Collection Practices Act.

12. Identify all persons or entities whose alleged debts you have attempted to collect from the Plaintiff; identify all documents related to or evidencing your

contractual or business relationship with such persons or entities; identify each person who has had any contact or communication on your behalf with such persons or entities regarding the Plaintiff or any alleged debt of the Plaintiff's; state the time, place, manner, and substance of any communication between you and such persons or entities, and identify all documents relating to such communications.

13. Describe all collection activities you were authorized to perform by SBMC, and describe the terms of the agreement between you and SBMC by which you claim the right to engage in collection activities against the Plaintiff.

14. To the extent not previously done, identify all documents relevant or pertaining to any aspect of any efforts undertaken by you to collect any debt from the Plaintiff.

15. Identify any documents or things relating to any information requested in these interrogatories or to any matter affecting this lawsuit, which may have been destroyed or otherwise permanently removed from your custody, and for each such document, identify it and provide the identity of any person who participated in its destruction; describe your procedure and policy with respect to the maintenance, preservation, and destruction of documents; if such document exist but have been removed from your custody, identify the person now having custody of such documents.

16. Identify by title, author, subject, and date any reports or memoranda regarding the use of communications with the Plaintiff.

17. Identify by agency, investigation number, caption, and case number all administrative complaints and all litigation filed against you alleging violations of the Fair Debt Collection Practices Act, identifying particularly each action in which you have been alleged to have violated 15 U.S.C. §1692e, e(2), e(5), e(10), and e(11), and state the court's disposition as to each allegation.

18. Identify each entity or person not directly employed by Medicredit to whom you have communicated information regarding the Plaintiff and his finances.

19. Describe the procedure by which you received this account from SBMC for collection.

20. Describe your procedure for screening accounts for bankruptcy filings.

Judson E. Crump
Attorney for Plaintiff

OF COUNSEL:
Gina H. McDonald & Associates, LLC
2057 Valleydale Rd, Ste 202
Birmingham, AL 35203
205.982.3325 (tel)
205.982.7070 (fax)

PLEASE SERVE WITH SUMMONS AND COMPLAINT

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

James Carter,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.__________
	)	
Medicredit, Inc.,	)	
	)	
Defendant.	)	

PLAINTIFF'S FIRST REQUEST FOR PRODUCTION
OF DOCUMENTS TO DEFENDANT

COMES NOW the Plaintiff, pursuant to Rule 34 of the Alabama Rules of Civil Procedure, and requests that the Defendant produce the documents described below within forty-five (45) days, and permit the Plaintiff and his attorneys to inspect and copy such of them as they may desire. Plaintiff requests that the documents be made available for inspection at the office of counsel for the Plaintiff, Gina H. McDonald & Associates, LLC, 2057 Valleydale Rd, Ste 202, Birmingham, Alabama 35244.

INSTRUCTIONS

In answering these requests, please furnish all information and documents available to you, whether or not such information is in your present possession. If, after exercising due diligence to secure the requested documents, you are still unable or unwilling to do so, please state as much and provide what portion of the requested documents you can, and explain what efforts you undertook to procure the documents requested.

If you or a party possessing any of the documents requested objects to any of these requests in whole or in part, or if any of the requested documents are withheld on ground of privilege or otherwise, please explain with specificity the basis of your objection or assertion of privilege and describe generally the document or information that is withheld.

For the purpose of these requests for production, the term "document" includes any item or container of information, regardless of tangibility, subject to discovery under Rule 34 of the Alabama Rules of Civil Procedure. Where production of an original document requested is impracticable, production of a copy of such document may suffice if it is noted as a copy and the accuracy of the copy is sworn to under penalty of perjury by an officer or agent of Defendant competent to do so.

Be aware that your responses to these requests for production are given under oath, that you are under a continuing duty to update these requests and provide any new documents contemplated in these requests as may become available to you in the future, and that the documents and information contained therein may be used in a trial.

REQUESTS FOR PRODUCTION

1. All documents involving, consisting, or referring to communications between you and the Plaintiff.

2. All documents involving, consisting, or referring to communications between you and any other person or entity, in which the communication referred to or identified the Plaintiff and/or any of his personal identifying information (such as his Social Security number, account number, driver's license number, telephone number, address, etc.).

3. All collection manuals, instruction materials, and procedural rules regarding or governing collection activities of the Defendant and Defendant's agents or employees used by the Defendant during the three (3) years prior to the filing of this lawsuit.

4. Every manual, handbook, guide, memoranda, instruction material, or other document concerning collections from consumers used by the Defendant in the training, hiring, or supervision of Defendant's agents or employees during the three (3) years prior to the filing of this lawsuit.

5. All documents regarding the collection of an alleged debt from the Plaintiff.

6. All documents which you allege create an obligation of the Plaintiff to you.

7. All documents evidencing the relationship you have with Shelby Baptist Medical Center.

8. All documents which you allege entitle you to collect an alleged debt from the Plaintiff on behalf of any alleged creditor.

9. All documents evidencing or containing the names, addresses, telephone numbers, current employers and whereabouts of each of your employees or agents who communicated with the Plaintiff.

10. All documents containing, evidencing, or constituting communications from the Plaintiff to you during the three (3) years prior to the filing of this lawsuit.

11. All documents relating to the sale of Plaintiff's account to you or by you to any other person or entity, including any pooling or servicing agreement or forward flow agreement.

12. Copies of any litigation filed against Defendant or its predecessors within the three (3) years prior to the filing of this lawsuit, in which Defendant was alleged to have violated the Fair Debt Collection Practices Act.

13. Any insurance policies in effect at any time during the three (3) years prior to the filing of this lawsuit which may cover the Defendant for liability in this action or actions referred to in Request #12 above.

14. All audio recordings of conversations between Plaintiff and Defendant or its agents.

15. All video or audio recordings of Defendant's agents or employees made while attempting to collect debts.

16. All financial reports of the Defendant for the three (3) years prior to the filing of this lawsuit.

17. All income tax returns of the Defendant for the three (3) years prior to the filing of this lawsuit.

18. All documents relating to the maintenance of procedures by the Defendant to avoid violations of a consumer's right to privacy.

19. All documents relating to the maintenance of procedures by the Defendant to avoid violations of the Fair Debt Collection Practices Act.

20. Copies of all disputes or complaints made by consumers against the Defendant within the past two (2) years.

21. Copies of all documents utilized by an expert which Defendant may call to testify at trial.

22. All documents identified, relied upon, or referred to in Defendant's responses to Plaintiff's interrogatories.

23. All documents or exhibits which the Defendant may propose to introduce at trial.

Judson E. Crump

Attorney for Plaintiff

OF COUNSEL:
Gina H. McDonald & Associates, LLC
2057 Valleydale Rd, Ste 202
Birmingham, AL 35203
205.982.3325 (tel)
205.982.7070 (fax)

PLEASE SERVE WITH SUMMONS AND COMPLAINT

State of Alabama Unified Judicial System Form C-34 Rev 6/88	SUMMONS - CIVIL -	Case Number: 58-CV-2011-900134.00

IN THE CIVIL COURT OF SHELBY, ALABAMA
JAMES E CARTER v. MEDICREDIT

NOTICE TO MEDICREDIT, CSC LAWYERS INCORPORATING 150 S PERRY ST, MONTGOMERY, AL 36104

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY JUDSON ERIC CRUMP

WHOSE ADDRESS IS 2057 VALLEYDALE RD, SUITE 202, BIRMINGHAM, AL 35244

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.
TO ANY SHERIFF OR ANY PERSONNEL AUTHORIZED by the Alabama Rules of the Civil Procedure:

☐ You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant

☑ Service by certified mail of this summons is initiated upon the written request of JAMES E CARTER pursuant to the Alabama Rules of the Civil Procedure

2/16/2011 4:34:21 PM	/s MARY HARRIS	
Date	Clerk/Register	By

☑ Certified mail is hereby requested

/s JUDSON ERIC CRUMP
Plaintiff's/Attorney's Signature

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on ______________________

☐ I certify that I personally delivered a copy of the Summons and Complaint to ______________________

______________ in ______________________ County, Alabama on ______________

Date	Server's Signature

AVSO500

ALABAMA JUDICIAL DATA CENTER
IN THE CIRCUIT COURT OF SHELBY COUNTY

JAMES E CARTER V. MEDICREDIT

CRUMP JUDSON ERIC
2057 VALLEYDALE RD STE 20
BIRMINGHAM AL 35244

CASE NUMBER: CV 2011 900134 00
PARTY NUMBER: C001

ALL CERTIFIED MAIL ISSUED FROM OUR OFFICE MUST CARRY THE RESTRICTED POSTAGE AMOUNT. PLEASE SUBMIT THE AMOUNT LISTED BELOW SO THAT YOUR FILING MAY BE PROCESSED. YOU MAY SEND A POSTAGE STRIP OR YOU MAY SUBMIT A CHECK MADE PAYABLE TO POSTMASTER. THANK YOU.

ADDITIONAL POSTAGE AMOUNT NEEDED: $4.50

PLEASE SEND A POSTAGE STRIP OR CHECK FOR THIS AMOUNT

ISSUED ON: 03/02/2011 CLERK: MARY H. HARRIS
P.O. BOX 1810
COLUMBIANA AL 35051
(205)669-3760

(03/02/2011) REC

State of Alabama Unified Judicial System Form C-34 Rev 6/88	SUMMONS - CIVIL -	Case Number: 58-CV-2011-900134.00

IN THE CIVIL COURT OF SHELBY, ALABAMA
JAMES E CARTER v. MEDICREDIT

NOTICE TO MEDICREDIT, CSC LAWYERS INCORPORATING 150 S PERRY ST, MONTGOMERY, AL 36104

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY JUDSON ERIC CRUMP

WHOSE ADDRESS IS 2057 VALLEYDALE RD, SUITE 202, BIRMINGHAM, AL 35244

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.
TO ANY SHERIFF OR ANY PERSONNEL AUTHORIZED by the Alabama Rules of the Civil Procedure:

☐ You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant

☑ Service by certified mail of this summons is initiated upon the written request of JAMES E CARTER pursuant to the Alabama Rules of the Civil Procedure

3/10/11 ~~2/10/2011 4:34:21 PM~~ — Date
/s MARY HARRIS — Clerk/Register
By [signature]

☑ Certified mail is hereby requested

/s JUDSON ERIC CRUMP
Plaintiff's/Attorney's Signature

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on ____________

☐ I certify that I personally delivered a copy of the Summons and Comp[laint]

____________ in ____________

____________ Date

____________ Server's Signature

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

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Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

Postmark Here

D001 CV-11-900134

Sent To: MediCredit
Street, Apt. No.; or PO Box No.: 150 S. Perry St.
City, State, ZIP+4: Montgomery, AL 36104

PS Form 3800, August 2006 — See Reverse for Instructions

AlaFile E-Notice

58-CV-2011-900134.00

Judge: HUB B HARRINGTON

To: CRUMP JUDSON ERIC
judson@ginamcdonaldlaw.com

NOTICE OF SERVICE

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

JAMES E CARTER V. MEDICREDIT
58-CV-2011-900134.00

The following matter was served on 3/14/2011

D001 MEDICREDIT
CERTIFIED MAIL

MARY HARRIS
CIRCUIT COURT CLERK
SHELBY COUNTY, ALABAMA
POST OFFICE BOX 1810
COLUMBIANA, AL 35051

205-669-3760
mary.harris@alacourt.gov

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MEDICREDIT
CSC LAWYERS INCORPORATING
150 S PERRY ST
MONTGOMERY, AL 36104

CV-11-900134 D001

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☐ Addressee

B. Received by (Printed Name) Blake Pi...

C. Date of Delivery MAR 14 2011

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☑ Yes

2. Article Number
(Transfer from service label) 7011 0110 0000 3882 5577

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA

JAMES CARTER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**CIVIL ACTION NO.:**
	)	**CV-2011-900134**
	)	
MEDICREDIT, INC.,	)	
	)	
Defendant.	)	

NOTICE OF FILING NOTICE OF REMOVAL

Please take notice that Defendant, Medicredit, Inc. has, on April 13, 2011, filed its Notice of Removal, a true and correct copy of which is attached hereto, in the office of the Clerk of the United States District Court for the Northern District of Alabama, Southern Division.

Kary Bryant Wolfe

Attorney for Defendant Medicredit, Inc.

OF COUNSEL:
Jones, Walker, Waechter, Poitevent, Carrere & Denegre, LLP
1819 5th Avenue North
P. O. Box 830642
Birmingham, Alabama 35203/35283-0642
Telephone: (205) 244-5281
Facsimile: (205) 244-5481
kwolfe@joneswalker.com

EXHIBIT
tabbies
B

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing Notice of Filing Notice of Removal has been served upon counsel of record on this 13th day of April, 2011, by placing in the United States mail, properly addressed and postage prepaid, as follows:

Gina H. McDonald
Brad Green
Gina H. McDonald & Associates, LLC
Birmingham, AL 35244

OF COUNSEL